

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10 CV 264**

MAX BAILEY; MARGARET DALTON;)
CASEY JOE HUNTLEY, as personal)
representative for the Estate of CARLTON)
BILL HUNTLEY; K.C., by his guardian)
***ad litem* Robert C. Carpenter, Esq.; A.D.,**)
by her guardian *ad litem* James W.)
Kilbourne, Jr., Esq.; and STEVE)
MARLOWE,)

Plaintiffs)

v)

POLK COUNTY, NORTH CAROLINA,)
POLK COUNTY SHERIFF'S)
DEPARTMENT, MATT PRINCE, TRENT)
CARSWELL, CHRIS ABRIL, CHARLES)
GRADY SHEHAN, UNKNOWN POLICE)
OFFICERS, and OTHER UNKNOWN)
STATE AND FEDERAL LAW)
ENFORCEMENT AGENCIES,)

Defendants)

ORDER

THIS MATTER is before the undersigned pursuant to a Request to Appear by Telephone (#50) filed by James W. Kilbourne, Jr. Mr. Kilbourne requests to appear by telephone at a hearing in this matter that has been scheduled for September 28, 2012. The motion will be denied and the undersigned will reschedule the hearing.

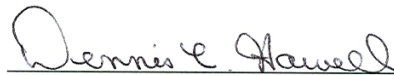
As stated in the Order (#47) filed in this matter, the purpose of the hearing is to consult with the attorneys for the parties concerning the scheduling of a hearing for the purpose of approving the proposed minors' settlement in this case. The parties themselves will not be required to attend the hearing, however the attorneys for the

parties and the guardians *ad litem* Robert C. Carpenter and James W. Kilbourne, Jr. will be required to attend. Attendance by telephone will not be allowed.

ORDER

IT IS, THEREFORE, ORDERED that the Request to Appear by Telephone (#50) is hereby **DENIED** and the status conference set in this matter for September 28, 2012 is continued and will be held on **October 1, 2012 at 10:00 a.m.** in courtroom #2 of the United States Courthouse in Asheville, North Carolina. The attorneys for the parties and the guardians *ad litem* Robert C. Carpenter and James W. Kilbourne, Jr. will be required to attend. The parties themselves are not required to attend the status conference.

Signed: September 14, 2012

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Dennis L. Howell
United States Magistrate Judge

